

From: Latessa, Sara H (DEC)
To: [Arcaya, Alyssa](#)
Cc: [Arvizu, Christy](#); [Lendrum, Jacqueline M \(DEC\)](#)
Subject: RE: Language in draft
Date: Thursday, October 06, 2016 11:30:25 AM
Attachments: [removed.txt](#)
[313 Waste Storage Facility October 2014.pdf](#)

Hi Alyssa,

I left you a voicemail. I'm looking at the evaluation elements in 40 CFR 412.46(a)(1) and I believe the combination of the Waste Storage Facility Standard (attached) evaluation required to be completed by a PE and the additional requirements listed for the WWSOPs address all of the elements.

Additionally, the "additional measures" listed in 40 CFR 412.37(a) are already required in our permit in Part III.B.3.a, III.B.12., and Part IV.G.4-7.

Are there elements you think are missing that need to be added?

Also, you guys asked us to cite 40 CFR to address comment 47 as well. Again, we define emergency situation as an overflow of a manure storage which meets the upset/bypass provision in 40 CFR 122.41(m) stating it's allowed in order to prevent severe property damage. An overflow of a manure storage is absolutely severe property damage and would cost the farmers a lot of money to repair and have it re-certified. So again, I think we're ok here...

Let me know if we need to have a call to discuss further... Once we get through this, I'll be able to send the other changes we made to the permit at your request and hopefully get a thumbs up from you guys 😊

Thanks!

Sara

Sara H. Latessa

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From: Arcaya, Alyssa [<mailto:arcaya.alyssa@epa.gov>]

Sent: Wednesday, October 05, 2016 5:02 PM

To: Latessa, Sara H (DEC)

Subject: RE: Language in draft

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Hi Sara,

Thanks for checking in.

Comment 4 was to the a section of the permit that's also specific to those facilities. We'd prefer that the citation be in the permit itself. If you choose not to include this language in the permit for some reason, we suggest describing the substance of the regulation instead (although this would add substantially more detail than just adding the citation (i.e. the site-specific evaluation required in 40 CFR 412.46(a)(1), and, per 40 CFR 412.46(a)(2) the "additional measures" in 40 CFR 412.37(a) for the operation of production areas).

While we're on that topic, for the footnote to that paragraph, we had a comment on the following

language, that I'm not sure was resolved in the draft we saw last week:

"... Overflows from practices ***other than waste storage structures***, which are designed, operated and maintained to the 25-year, 24-hour storm, that do not result in a discharge to the *surface waters of the State*, are not considered to be violations of this permit..." (Emphasis added).

In comment 9 we noted that this is not allowed because, per 40 CFR 412.46(a), new swine, poultry or veal calf CAFOs must ensure no discharge from the entire production area, including waste storage structures. Can you clarify whether you've removed that exclusion?

Thanks again for your help!

Alyssa

From: Latessa, Sara H (DEC) [<mailto:Sara.Latessa@dec.ny.gov>]

Sent: Monday, October 03, 2016 2:58 PM

To: Arcaya, Alyssa <arcaya.alyssa@epa.gov>

Subject: Language in draft

Hi Alyssa,

As I'm looking through my notes, I see there is a section where you guys suggested that we reference 40 CFR in our permits. For comment #4, instead of referencing 40 CFR in our actual permit, I'd prefer to reference it in the Fact Sheet. I really think it belongs there as there is a section in the fact sheet specific to New Swine, Poultry or Veal Calf CAFO's. Would this be ok with you guys? And I'm working on the rest of the changes and will get you some modified language very soon 😊

-Sara

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